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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,121	02/27/2004	Ken Francis Blaney	600.1304	7612
23280	7590	12/02/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			WILLIAMS, KEVIN D	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/789,121	Applicant(s) BLANEY ET AL.	
	Examiner Kevin D. Williams	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Switall (US 4,064,801).

With respect to claims 1-15, Switall teaches a spray device comprising a liquid inlet orifice (end of 80) for receiving a liquid; a gas inlet orifice 94 for receiving a gas disposed downstream from the liquid inlet orifice; an exit orifice (end of 75) disposed at a distance from a surface of the printing press; an internal passage 80,75 communicating with the liquid inlet orifice, the gas inlet orifice, and the exit orifice, the internal passage includes a mixing chamber 75 for entraining the gas in the liquid, where the mixing chamber 75 is defined by an enlarged region of the internal passage, the liquid inlet orifice, the gas inlet orifice, and at least a portion of the internal passage being defined by an insert member 70,90; the exit orifice 75 being defined by a nozzle tip disposed at a downstream end of the insert member; the internal passage being defined by the insert member 70,90 and the nozzle tip (end of 90); a body member having a liquid conduit 74 and disposed at an upstream end of the insert member so that the liquid conduit communicates with the liquid inlet orifice; a valve element for

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enabling a pulsed flow of the liquid through the body (Abs.); a solenoid configured to actuate the valve element (Abs.); the surface of the printing press including a portion of a dampening cylinder 9c; the liquid being at least one of water and an aqueous fountain solution; the gas being air (col. 4, line 4); the gas outside the gas inlet orifice being at atmospheric pressure; the gas outside the gas inlet orifice being pressurized to a pressure greater than atmospheric pressure; a connecting device 90 removably attached to one of the insert member and the body member for holding the nozzle tip adjacent to the insert member;

With respect to claims 16, 17, and 20, Switall teaches a method for applying a liquid to a surface of a printing press, the method comprising: providing a liquid to a liquid inlet orifice (end of 80) of a spray device; providing a gas to a gas inlet orifice 94 of the spray device; mixing the gas and the liquid so as to form a mixture of the liquid and the gas in which the gas is entrained in the liquid (75; col. 5, lines 60-62); spraying the mixture of the liquid and gas onto the surface of the printing press, repeatedly interrupting a flow of liquid through the spray device so as to cause the spraying to be performed in a pulsed fashion (Abs), where the spraying is performed using an outlet orifice of the spray device and selecting at least one of a size and a shape of the outlet orifice so as to affect spray pattern.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Switall in view of Culbertson (US 6,098,902).

Switall teaches the claimed invention except for controlling the flow rate of the liquid through the spray device by changing a size of the liquid orifice and controlling a flow rate of gas through the spray device by changing a size of the gas inlet orifice.

Culbertson teaches controlling the flow rate of a liquid through a spray device by changing a size of the liquid orifice (11; col. 4, lines 1-15) and controlling a flow rate of gas through the spray device by changing a size of the gas inlet orifice (15; col. 4, lines 57-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Switall to have the liquid and gas inlet orifices as taught by Culbertson, in order to allow the dampening system to accommodate pressures of varying sizes.

Response to Arguments

5. Applicant's arguments filed 9/12/2005 have been fully considered but they are not persuasive.

Applicant argues that Switall does not disclose a mixing chamber. It is the examiner's contention that mixing well 75 is a mixing chamber and is used to mix the gas with the liquid such that the gas is entrained in the liquid.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW
November 25, 2005



Daniel J. Colilla
Primary Examiner
Art Unit 2854